

Library Research Assignment

Objective: The goal of this assignment is to familiarize students with a wide variety of legal resources. This assignment has been created with resources specifically related to the cases assigned to students for the mock oral argument and the final written assignment.

Directions: Locate each item indicated below in the Indiana Supreme Court Law Library. Librarians and law clerks are available to help you find each item. You may be asked to use print and electronic sources.

The resources identified in each category will provide valuable material for your oral arguments and written final opinion. Therefore, in addition to answering the questions below, you will want copies of some of the information once it is located. You may work as a group. Once the entire assignment has been completed, you may ask the librarian to make a copy for each member of your group.

Legal Dictionaries:

Black's Law Dictionary

Briefly define each term. Then answer supplemental questions.

Appellee:

*Who is the appellee in *Love v. Rehfus*? _____

Make sure you know the correct pronunciation of this term for oral argument.

Appellant:

*Who is the appellant in *Love v. Rehfus*? _____

Make sure you know the correct pronunciation of this term for oral argument.

First Amendment:

*Which First Amendment freedom is at issue in *Love v. Rehfus*? _____

Damages:

Declaratory Relief:

Injunctive Relief (injunction)

Tortious:

Respondent Superior:

Standard of Review:

Adjudication:

Precedent:

Legal Journals, Encyclopedias & Other Secondary Sources

West's Indiana Law Encyclopedia

Find the table of contents for MUNICIPAL CORPORATIONS (Vol. 20, page 325.) Under what section would we look for information regarding "suspension, removal, resignation, and retirement" for a fire department?

§ _____.

Locate the **Illustration** for that section & use it to complete the following:

The demotion of a former _____ of a city fire department to firefighter for _____ unbecoming to an officer on the basis of his public statements regarding _____ procedures for fireworks display and use of public funds did not violate his _____ of _____ even though in making the statements, the former _____ was speaking as a _____ on a matter of _____ concern, as his speech was not _____ beyond that necessary for _____ and _____ operation of the department. . .

Name the Indiana case this illustration is taken from. _____

Court Rules

Indiana Practice Rules of Procedure Annotated

Locate Trial Rule 56(c) in Volume 3a.

This rule describes the procedure for making a motion for _____.

This type of judgment is granted by the court when the evidence "shows that there is _____ as to any material fact and that the moving party is entitled to a judgment as a _____."

This procedural device allows the speedy disposition of a controversy without the need for a _____. [Hint: use **Black's Law Dictionary**].

2010 Indiana Rules of Court

Locate Appellate Rule 57(H). [Hint: you are looking for a green softbound book on the shelf located behind Indiana Practice. Rule 57(H) articulates the principal considerations governing the Supreme Court's decision whether to grant _____.

List the 6 reasons transfer may be granted:

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____
- (6) _____

Place a star * next to the reason(s) for transfer that are applicable to *Love v. Rehfus*.
[Hint--look APPELLANT'S RESPONSE IN OPPOSITION TO PETITION TO TRANSFER]

Statutes and Codes

42 USCA § 1983(I)

Briefly summarize:

Listed under "Law Review and Journal Commentaries," locate an article which discusses both municipal liability under §1983 and *Pembaur v. City of Cincinnati* (cited in *Love v. Rehfus*.)
Who is the author of this law review article? _____

CASES

Indiana Cases

City of Kokomo v. Kern, 852 N.E. 2d 623

What court issued this opinion? _____

Indiana Dept. of Highways v. Dixon, 541 N.E. 2d 877

What year was this case decided? _____

Keaton and Keaton v. Keaton, 842 N.E. 2d 816 (Ind. 2006).

Who authored this opinion? _____

Wilson v. Royal Motor Sales, Inc., 812 N.E. 2d 133 (Ind. App. 2004).

The discussion of the "Standard of Review" for summary judgment occurs on what page of this opinion? _____

Federal Reporter

Johnson v. Multnomah Co. OR., 48 F.3d 420

1. What circuit is this case from? _____
2. What circuit is Indiana in? (see opposite title page) _____
3. Look at Headnote 7 of this opinion. The First Amendment interest in protecting which type of statement is stronger?
 - A. recklessly false statements made by public employees in concern for public debate
 - B. merely inaccurate statements made in good faith
 - C. both are offered the same level of protection

United States Supreme Court Reports

Pickering v. Bd. of Ed. of Township High School Dist. 205, Will Cty., 391 U.S. 563 (1968).
This opinion explains the reason for Marvin Pickering's dismissal from his teaching position on what page(s)? _____

Connick v. Myers, 461 U.S. 138 (1983).

Which Justice delivered the opinion of the Court? _____

United States Supreme Court Reports, Annotated

Pembaur v. Cincinnati, 89 L.Ed.2d, 452 (1986).

1. Municipal liability is the topic of which headnotes (list by number): _____
2. According to headnote 2, "Municipalities may not be held liable for damages . . . under 42 USCS §1983 unless action . . . caused a _____ tort.
3. According to headnote 4, "A municipality is responsible under 42 USCS §1983 for action directed by those who establish governmental _____."